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EXAMINER

KARIKARI, KWASI

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* WANSHI CHEN and REZA SHAHIDI

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Application 10/676,965  
Technology Center 2600

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Mailed: June 30, 2009

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Before ERIC W. HAWTHORNE, *Supervisory Paralegal Specialist*  
HAWTHORNE, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 15, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL, STATUS OF CLAIMS

The Examiner's Answer mailed on March 6, 2008, under the heading "Grounds of Rejection" stated the following:

Claims 1, 3, 4, 7, 10, 12, 13, 17, 18, 19, and 22 are rejected under U.S.C. 103(a) as being unpatentable over Gilhausen et al., (U.S. 5,625,876), (hereinafter Gilhausen);

Claims 2, 9, 11, 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhausen in view of Nakano et al., (6,011,787), (hereinafter Nakano);

Claims 5, 6, 8, 14, 15, 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhausen in view Tiedemann JR, et al. (20020154610 A1), (hereinafter Tiedemann).

Applicants' filed Amendment After Final on April 26, 2007, wherein claims 4 and 13 were canceled. An Advisory Action mailed in response on May 16, 2007, indicated in section 7) that the proposed amendment would not be entered. The Examiner further indicated in section 7) of the advisory action the following status of claims: "[c]laim(s) rejected: 1-3, 5-12, and 14-24. Claims(s) withdrawn from consideration: 4 and 13 canceled."

Additional review of the file reveals that a Pre-Appeal Brief Conference decision was mailed on July 24, 2007, indicating that the "[t]he panel has determined the status of the claims(s) is as follows: [c]laim(s) rejected: 1-3, 5-12, and 14-24."

Clarification is required regarding the status of claims 4 and 13.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner:

1) to generate a paper clarifying the status of claims 4 and 13;

OR

2) to vacate the Examiner's Answer mailed March 6, 2008, and generate a new Examiner's Answer setting forth the correct status of claims and to correct other sections of the Answer as may be required;

3) to include the approval of the TC Director or his/her designee (as required for any new grounds of rejection); and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EWB/pgc

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